IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 6726 OF 2007

S.N. Karani and others .... Petitioner

versus

The Divl.Joint Registrar
C.S. Mumbai and others..... Respondent.

Shri N.M.Bhadrashete for the petitioner.
Ms. V.S.Mhaispurkar AGP for Respondent no.1

CORAM; A.P. DESHPANDE, J.
DATED; 11TH SEPTEMBER, 2007

P.C.;

1. At the request of the learned counsel for the petitioner, respondent nos.4, 5 and 6 are permitted to be deleted in view of the order that I propose to pass.

2. The present petitioners claim to have been elected as members of the Managing Committee in the election held on 20-8-2007 along with respondent nos. 4 and 5. As the respondent nos.4 and 5 were not available for signing the petition, they are impleaded as proforma respondents. It is the case of the petitioner that proceedings under section 78 were initiated against the members of the earlier managing committee prior to the publication of election programme. However, the

impugned order of superseding the managing committee has been passed after declaration of the result of the election wherein the present petitioners are elected as managing committee members. Aggrieved by the order of supersession, an appeal has been filed before the Dvl.Joint Registrar and along with the appeal, a stay application has also been filed. The stay application has been taken up but no orders are passed thereon. The grievance is, on one hand that the appellate authority is not passing any order and on the other hand the respondent no.3, the administrator, is insisting for handing over the charge, who is a retired officer from the co-operative department.

3. The learned AGP appearing for the respondent nos.1 and 2 submits that the petitioner can be protected till the decision of the stay application by the Dvl.Joint Registrar. This court is also assured that the respondent no.1 will dispose of the stay application as early as possible. In view of this statement, the writ petition stands disposed of by directing that the order passed under section 78 by the respondent no.2 superseding the managing committee and appointing respondent no.3 as administrator, shall remain stayed till the decision is rendered by respondent no.1 on the stay application filed by the present petitioners along with the appeal. With this

direction, writ petition is disposed of. ...